



# TANNING NEWS

Kansas Board of Cosmetology Quarterly Newsletter

July 2016

## Minors Prohibited from Tanning

HB 2456, which prohibits minors from tanning, was signed by the Governor on May 13, 2016. The law will take effect on July 1, 2016.

The tanning legislation was first introduced by the House Appropriations Committee in 2015 as HB 2369. The bill was later combined with HB 2471, a Board of Barbering bill, and became HB 2456.

The bill states the following:

### New Section 1.

- (a) No tanning facility shall provide access to a tanning device for any person under 18 years of age.
- (b) In addition to the board's authority to impose discipline pursuant to K.S.A. 65-1920, and amendments thereto, the board shall have the authority to assess a fine not in excess of \$250 against a licensee for each violation. Such fine may be assessed in lieu of or in addition to such discipline.
- (c) The board shall adopt rules and regulations as necessary to effectuate the provisions of this section. Such rules and regulations shall be adopted no later than January 1, 2017.

### New Section. 2.

K.S.A. 65-1920 through 65-1929 and section 1, and amendments thereto, shall be known and may be cited as the Kansas tanning facilities act.

The Board is in the process of drafting regulations to provide further instructions to tanning facilities regarding the new law. Until such time as regulations are adopted, fines will not be assessed.

See answers to frequently asked questions on the next page.

## 2016 Board Meeting Schedule

July 11 - Board Office  
August 8 - Teleconference  
September 12 - Board Office  
October 10 - Teleconference  
November 14 - Board Office  
December 12 - Teleconference

## Members of the Kansas Board of Cosmetology

**David Yocum - Chair**  
School Representative - Manhattan

**Tina Burgardt**  
Cosmetologist - Garden City

**Glenda Chappell**  
Public Member - Kansas City

**Kimberley Holm**  
Public Member - Kansas City

**Roger Holmes - Vice Chair**  
Tanning Representative - Stillwell

**Kathryn Skepnek**  
Cosmetologist - Lawrence

**Janey McCarthy**  
Cosmetologist - Topeka

**Matthew Goss**  
Tattoo Artist - Manhattan

### ***Mission Statement***

***To protect the health and safety of the consuming public by licensing qualified individuals and enforcing high standards of practice.***

## In This Issue

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- Legislative Update
- Federal Regulations
- License Prefixes
- Online Renewals
- Self-Inspection Checklist
- Consumer Injuries

## Minors Tanning

### Frequently asked Questions

*Who introduced this law?*

The House Appropriations Committee.

*When does the law take effect?*

July 1, 2016.

*Why does the bill say January 1, 2017?*

January 1, 2017, is the date that the Board must have adopted regulations to carry out the law.

*Can a parent give consent for their child to tan?*

No.

*Can a minor tan with a note from a doctor?*

No.

*Should I ask for identification?*

Yes, you should verify that all persons using your tanning devices are 18 years of age or older.

*Do I need to keep client records?*

At this time, you are not required to keep client records.

*What do I do about prepaid packages?*

The Board does not regulate contracts between you and your customers. If you are not sure what to do, you should seek legal advice.

*What about tanning devices in homes?*

The Board does not regulate tanning devices in homes if there is no charge to use the device.

*What about spray tanning?*

The Board does not regulate spray tanning.

*Will the facility or the tanning device operator be fined?*

When fines are imposed, the facility owner will be fined.

*Can I hire employees under age 18?*

Yes.

## Other Legislation

### Tanning Device Temperature

Senate Bill 343 was introduced to remove the requirement that a tanning device not exceed 100 degrees Fahrenheit. The bill did not pass this session.

### Name of the Board

Senate Bill 344 was introduced to change the name of the Board to the "Kansas Board of Beauty and Body Professions." The bill did not pass this session.

## Federal Regulations

There are two federal regulations that were previously discussed in the Board's January newsletter that are now in the final rulemaking stage.

Any final rule would take effect 90 days after its date of publication in the Federal Register.

### Restricted, Sale, Distribution, and Use of Sunlamp Products

This proposed rule would effect users, tanning facility operators, and manufacturers and distributors of sunlamp products.

It restricts use of a tanning device to persons age 18 and older. The rule does not make a provision for a parent or a physician to give consent to the use of a tanning device by a minor.

It requires all tanning facility operators to provide a copy of the tanning device user manual (or the name and address of the manufacturer or distributor that can provide a copy of the manual) to any user or prospective user that requests one.

It requires users of a tanning device to sign a risk acknowledgment certification and to re-sign the certification every six months. The certification would have to be retained by the facility for one year. The proposed certification states:

To view the complete text of the rule as well as status visit:  
<https://www.regulations.gov/docket?D=FDA-2015-N-1765>

### Sunlamp Performance Standards

This proposed rule would effect manufacturers of sunlamp products, UV lamps and protective eyewear.

To view the complete text of the rule as well as status visit:  
<https://www.regulations.gov/docket?D=FDA-1998-N-0880>

## License Numbers

As a result of the Board moving to a new version of its licensing database, license numbers will now have a three digit prefix. All new licenses will be printed with the prefix.

**The tanning facility prefix is 850.**

Both the prefix and license number are required to renew a license online. For example, if your license number is "3256", you would enter "850-3256" in the license field.

## Facility Online Renewals

Registration codes are required to renew a license online. Your registration code can be found on the paper renewal form that is sent to each facility by the Board. You may also call the office at 785-296-3452 to obtain your registration code.

## Fiscal Year 16 Facility Licenses

06/30/11	06/30/12	07/05/13	06/30/14	06/30/15	06/30/16
563	544	513	502	445	409

# Tanning Facility Self Inspection Checklist

## Facility License

- ☐ Valid with correct location & owner
- ☐ Posted in easy view of the public

## Tanning Device Operators

- ☐ Trained operator present
- ☐ List of trained operators
- ☐ Verification of training for each operator

## Lobby Warning Sign

- ☐ Warning statement posted in easy view

CAUTION: ULTRAVIOLET RADIATION  
Repeated exposure to ultraviolet radiation may cause skin damage characterized by wrinkling, dryness, fragility and skin cancer.

Failure to use protective eyewear may result in severe burns or permanent injury to the eyes.

Medications or cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a tanning device if you are using medications, have a history of skin problems or believe you are especially sensitive to sunlight. Pregnant women or women taking oral contraceptives who use this product may develop discolored skin.

IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM USE OF AN ULTRAVIOLET DEVICE OR SUNLAMP

## Consumer Warning Statements

- ☐ Written warning statement given to each consumer

- (a) Failure to use the eye protection provided to the customer by the tanning facility may result in damage to the eyes;
- (b) overexposure to ultraviolet radiation causes burns;
- (c) repeated exposure to ultraviolet radiation may result in premature aging of the skin and skin cancer;
- (d) abnormal skin sensitivity or burning may be caused by reactions of ultraviolet radiation to certain: Foods; cosmetics; or medications, including: Tranquilizers; diuretics; antibiotics; high blood pressure medicines; or birth control pills; and
- (e) any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.

## Eyewear

- ☐ Provided by facility (either for sale, for loan or for free)
- ☐ Disinfected by cleaning with soap and water and then immersing in disinfectant
- ☐ Only the tanning device operator disinfects eyewear
- ☐ Disposable eyewear placed in covered trash can

## Towels

- ☐ Clean - no storage requirement
- ☐ Dirty - placed in closed container; container does not have to be labeled

## Tanning Rooms

- ☐ Exposure schedule posted for each device
- ☐ Warning statement posted in easy view in each room

### CAUTION: ULTRAVIOLET RADIATION

1. Follow the manufacturer's instructions for use of this device.

2. Avoid too frequent or lengthy exposure. As with natural sunlight, exposure can cause serious eye and skin injuries and allergic reactions. Repeated exposure may cause skin cancer.

3. Wear protective eyewear. Failure to use protective eyewear may result in severe burns or permanent damage to the eyes.

4. Do not sunbathe before or after exposure to ultraviolet radiation.

5. Medications or cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medication, have a history of skin problems or believe you are especially sensitive to sunlight. Pregnant women or women using oral contraceptives who use this product may develop discolored skin.

IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN FROM USE OF THIS DEVICE

## Required Disinfectant

- ☐ Tuberculocidal, bactericidal, fungicidal and virucidal EPA-registered disinfectant

## Tanning Devices

- ☐ Accurate timer (does not have to be located on the tanning device)
- ☐ Control that allows the consumer to turn off the tanning device at any time
- ☐ Acrylic/metal barriers are in good condition
- ☐ Stand up booths have markings to indicate correct exposure distance
- ☐ Disinfected after each use by a tanning device operator only

## Lamps

- ☐ Bulb compatibility sheet available for each type of device in the facility
- ☐ Compatible bulbs are used in each device
- ☐ Burned out bulbs are replaced

## Establishment

- ☐ Clean
- ☐ Well lighted
- ☐ Well ventilated

## Consumer Injuries

Tanning facilities are required to file a written report with the Board if a consumer is injured using a tanning device.

The report must be filed within 5 working days of the injury or within 5 days of when the injury was brought to the facility owner's attention.

The report must include the following:

1. The name of the individual;
2. Name and address of the tanning facility;
3. The nature of the injury; and
4. Any other information considered relevant to the situation.

The above information can be mailed to the Board or sent via email to [kboc@ks.gov](mailto:kboc@ks.gov).

## Staff Changes

Aubrie Pryer has been promoted to Compliance Supervisor. Aubrie will administer the Board's enforcement division which includes disciplinary actions and the inspection program.

If you have questions about the new tanning legislation or any other compliance questions, please contact Aubrie by phone at (785) 296-4414 or by email at [aubrie.pryer@ks.gov](mailto:aubrie.pryer@ks.gov)

## Inspector Openings

The Board currently has openings for an inspector in Regions 3 and 4. To view a map of the regions, please visit:

[www.kansas.gov/kboc/ContactUs.htm](http://www.kansas.gov/kboc/ContactUs.htm)

To view the position descriptions and to apply, please visit:

<https://www.da.ks.gov/ps/pub/jobpostings.asp>

## Email Addresses

Please make sure the Board has your current email address. When important legislation or other issues arise, the Board would like to notify you immediately.

You can provide your email address to us by emailing [kboc@ks.gov](mailto:kboc@ks.gov) with your facility name.

### Board Email Addresses

Recently the Board changed the domain address for all staff and board email addresses.

Old domain address  
[kboc.ks.gov](mailto:kboc.ks.gov)

New domain address  
[@ks.gov](mailto:@ks.gov)

For example  
[kboc@kboc.ks.gov](mailto:kboc@kboc.ks.gov) is now [kboc@ks.gov](mailto:kboc@ks.gov)

## Contact Us

714 S.W. Jackson, Ste. 100  
Topeka, Kansas 66603

Phone: (785) 296-3155  
Fax: (785) 296-3002



Find us on:  
**facebook®**

Email: [kboc@ks.gov](mailto:kboc@ks.gov)  
Website: [www.kansas.gov/kboc](http://www.kansas.gov/kboc)

## Staff Contacts

Direct Line Telephone Numbers and Email Addresses can be found on our website at [www.kansas.gov/kboc](http://www.kansas.gov/kboc)

### Chiquita C. Coggs

### Executive Director

#### ADMINISTRATION

Ms. Gloeckner  
Assistant Director

Personnel Services, Budget,  
IT, Website

Mary Ann Robison

Accounts Receivable/  
Payable

Mary Lou Cheray

File Management

#### LICENSING

LeAnna Hickman  
Director of Licensing

Schools, Instructors,  
Continuing Education, Open  
Records Requests

Michaela Ewing

Initial Practitioner Licensure,  
Examinations, Temporary  
Permits, Body Art Licensure,  
Facility Paper Renewals,  
Out-of-State Licensure,

Vickie Rodriguez

Facility Licensure, All Online  
Renewals, Practitioner  
Renewals, Duplicate  
Licenses

Darla Ray

Name/Address Changes  
Facility/Owner Changes  
Board Verifications

#### ENFORCEMENT

Aubrie Pryer  
Compliance Supervisor

Inspection Program  
Disciplinary Actions

Vacant

Felonies, Complaints,  
Board Meetings

Ava Fiene  
Wendy Flowers  
Vacant  
Vacant  
Brian Tice

Inspector - Region 1  
Inspector - Region 2  
Inspector - Region 3  
Inspector - Region 4  
Inspector - Region 5